1	Kamala D. Harris
2	Attorney General of California GREGORY SALUTE
3	Supervising Deputy Attorney General HEATHER HUA
4	Deputy Attorney General State Bar No. 223418
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013
6	Telephone: (213) 897-2574 Facsimile: (213) 897-2804
7	Attorneys for Complainant
8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2012 - 78
12	RON RAYMOND CSECH
13.	215 Calle Avenida Bakersfield, CA 93314 A C C U S A T I O N
14	Registered Nurse License No. 717030 Public Health Nurse License No. 72829
15	Respondent.
16	
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21	Consumer Affairs.
22	2. On or about December 14, 2007, the Board of Registered Nursing (Board) issued
23	Registered Nurse License No. 717030 to Ron Raymond Csech (Respondent). The Registered
24	Nurse License was in full force and effect at all times relevant to the charges brought herein and
25	will expire on May 31, 2013, unless renewed.
26	3. On or about February 13, 2008, the Board issued Public Health Nurse License No.
27	72829 to Respondent. The Public Health Nurse License was in full force and effect at all times
28	relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 5. Section 490 states, in pertinent part:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- "(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
- 6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

///

- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
 - 8. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

- "(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."
- 9. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

12. Respondent is subject to disciplinary action under section 2761, subdivision (f) and 490, as defined in California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse and public health nurse. On or about October 19, 2010, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or drugs] in the criminal proceeding entitled *The People of the State of California v. Ron Raymond Csech* (Super. Ct. Kern County, 2010, No. BM777285A). The Court sentenced Respondent to 45 days in Kern County Jail and placed him on 3 years formal probation, with terms and conditions.

The circumstances surrounding the conviction are that on or about September 24, 2010, Respondent drove a vehicle while under the influence of alcohol or drugs, and collided with another vehicle resulting in injuries and damages. While speaking to Respondent, the Bakersfield Police Department Officers detected an alcoholic beverage odor emitting from Respondent's breath. Respondent was observed to have symptoms including red watery eyes, slurred speech, droopy eyelids, and an unsteady gait. When questioned by officers, Respondent admitted that he had consumed 1½ to 2 drinks of Long Island Iced Tea, an alcoholic beverage, that evening. While at the scene, Respondent submitted to a Preliminary Alcohol Screening (PAS) Test that resulted in a breath- alcohol content of .258%. He was subsequently arrested for violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or drugs] and Vehicle Code Section 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his blood].

. .

20·

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as defined in section 2762, subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to himself, another person, or the public, when he operated a vehicle while having approximately 0.258% alcohol in his blood. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Conviction Involving the Consumption of Alcohol)

14. Respondent is subject to disciplinary action under section 2761, subdivision (a), as defined in section 2762, subdivision (c), in that on or about October 19, 2010, Respondent was convicted of a crime involving the consumption of alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

DISCIPLINARY CONSIDERATIONS

15. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about July 14, 2006, after pleading nolo contendere, Respondent was convicted of one misdemeanor count violating Vehicle Code section 23103.5, subdivision (a) [reckless driving] in the criminal proceeding entitled *The People of the State of California v. Ron Raymond Csech* (Super. Ct. Kern County, 2006, No. BM690432A). The Court sentenced Respondent to 1 day in Kern County Jail and placed him on 3 years probation, with terms and conditions.

The circumstances surrounding the conviction are that on or about April 18, 2006, Respondent drove a vehicle upon a highway in willful or wanton disregard for the safety of persons or property. While speaking to Respondent, the California Highway Patrol Officer detected an alcoholic beverage odor emitting from his breath. Respondent was observed having red eyes and slurred speech. Respondent was subsequently arrested for violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or drugs] and Vehicle Code

1	Section 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his
2	blood]. During the booking procedure, Respondent submitted to a blood test that resulted in a
3	blood-alcohol content level of 0.10%.
4	PRAYER
5	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6	and that following the hearing, the Board issue a decision:
7	1. Revoking or suspending Registered Nurse License No. 717030, issued to Respondent
8	Ron Raymond Csech;
9	2. Revoking or suspending Public Health Nurse License No. 72829, issued to
10	Respondent Ron Raymond Csech;
11	3. Ordering Respondent Ron Raymond Csech to pay the Board the reasonable costs of
12	the investigation and enforcement of this case, pursuant to section 125.3; and
13	4. Taking such other and further action as deemed necessary and proper.
14	
15	
16	
17	DATED: August 5, 2011 Stone Bern- for LOUISE R. BAILEY, M.ED., RN
18	Executive Officer
19	Board of Registered Nursing Department of Consumer Affairs
20	State of California Complainant
21	
22	·
23	
24	
25	
26	
27	LA2011501061 60638223.docx
28	